

## REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 15-23 were pending. By the present response, claims 27-28 have been added. Thus, upon entry of the present response, claims 15-23 and 27-28 are pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: page 4, lines 17-21 and the original claims.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §§102/103**

Claims 15-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 7,022,776 to Bastiaens et al. (hereafter "*Bastiaens et al.*") on the grounds set forth in paragraph 6 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The present invention is directed to a composition having good mechanical properties, such as good impact strength, as well as good paintability using an electrostatic paint deposition process, especially at high temperatures. A composition formed according to the principles of the present invention is set forth in claim 15. Claim 15 recites:

*15. A composition comprising at least one polyamide matrix and a dispersed phase composed of at least one impact modifier, said dispersed phase containing at least one electrically conductive filler in an amount sufficient to provide the composition with a level of conductivity suitable for painting by an electrostatic technique.*

As evident from the above, the composition defined by claim 15 requires a polyamide matrix, a dispersed phase contained therein, and at least one electrically conductive filler contained within the dispersed phase. Providing the electrically conductive fillers within the dispersed phase as opposed to providing the fillers in bulk into the matrix provides significant advantages over the prior art. For example, as discussed on pages 2-3 of the present specification, the composition formed according to the principles of the present invention makes it possible to effectively disperse the fillers within a polyamide-matrix based composition, limits sheer induced structural rupture of the final plastic parts, provides the material with a lower melt viscosity, results in plastic parts having a linear thermal expansion coefficient, provides plastic parts having good thermal resistance, good appearance, and good moldability.

*Bastiaens et al.* fails to disclose, or even suggest, the composition defined by claim 15.

*Bastiaens et al.* discloses conductive compositions comprising a polyethylene ether copolymer/polyamide blend which may contain additional constituents, including an electrically conductive filler such as carbon black. However, as made abundantly clear by the *Bastiaens et al.* disclosure, and as admitted in the grounds for rejection, nowhere does *Bastiaens et al.* disclose, or even suggest, that the electrically conductive filler be provided in the dispersed phase within a polyamide matrix. To the contrary, all of the methods described by *Bastiaens et al.* for

formulating the material suggests to those ordinary skill in the art that the electrically conductive filler should be incorporated into the polyphenylene ether copolymer/polyamide blend. See, e.g., column 15, lines 38-62 of *Bastiaens et al.*

While acknowledging this deficiency, it is nonetheless asserted in the grounds for rejection, that:

It would have been obvious to one of ordinary skill in the polymer processing art at the time the invention was made to masterbatch the two components together since it would be within the level of ordinarily skilled artisan to vary the blending order of the components to yield a predictable result of producing a polyamide blend containing uniformly distributed filler and impact modifier.

This assertion is respectfully traversed.

First, the above-quoted assertion ignores the suggestions of the explicit disclosure of *Bastiaens et al.* which are contrary thereto. Namely, *Bastiaens et al.* teaches incorporating an electrically conductive filler into a polyamide-containing matrix.

Second, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to provide the electrically conductive filler in a dispersed phase of impact modifiers as alleged. Applicants respectfully submit that a person skilled in the art would consider, in light of the teachings of *Bastiaens et al.*, that an addition of electrically conductive filler that was not intimately mixed within the polyamide-containing portion of the composition would be undesirable due to an expected loss of conductivity of the polyamide-containing composition. Therefore, for at least this additional reason, it would not have been obvious to one of ordinary skill in the art to have confined the addition of electrically conductive filler to an impact modifier within a phase dispersed within a polyamide matrix, as required by

the presently claimed invention. Reconsideration and withdrawal of the rejection is respectfully requested.

The remaining claims depend from claim 15. Thus, these claims are also distinguishable over *Bastiaens et al.* for at least the same reasons noted above.

Claims 15-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over EP 0 535 955 B1 to Hagimori et al. (hereafter "*Hagimori et al.*") on the grounds set forth in paragraph 7 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

*Hagimori et al.*, discloses compositions comprising polyphenylene ester polymer blended with polyamide, and various other constituent components, including metal particles. Thus, the disclosure of *Hagimori et al.* is quite similar, at least in these respects, to the disclosure of *Bastiaens et al.* Thus, for example, *Hagimori et al.* clearly suggests that the filler material be combined with the polyamide blend (see, e.g., page 7, lines 6 and 30-31: "The foregoing polyphenylene ether polyamide blends may further comprise inorganic fillers such as talc, aluminosilicate, mica, carbon black . . . all ingredients fed together either from the first feed opening or the second feed opening were mixed well by a tumbler mixer prior to the feeding.").

Therefore, as is the case with *Bastiaens et al.*, *Hagimori et al.* fails to disclose or suggest the composition defined by claim 15. In fact, the grounds for rejection, as set forth in paragraph 7 of the Official Action, fail to even allege that *Hagimori et al.* discloses, or suggests, the requirements of the composition recited in claim 15.

Although the grounds for rejection are couched as alternative grounds under either anticipation or obviousness, the grounds for rejection set forth in paragraph 7 of the Official Action contains no obviousness rationale whatsoever. Therefore, for at least the reasons noted above, the grounds for rejection are improper and should be withdrawn.

The remaining claims depend from claim 15. Thus, these claims are also distinguishable over *Hagimori et al.* for at least the same reasons noted above.

### **CONCLUSION**

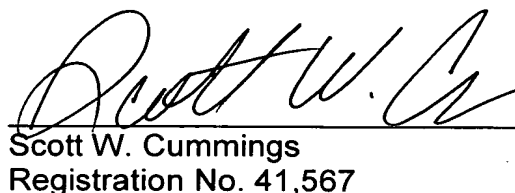
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:

  
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Scott W. Cummings  
Registration No. 41,567

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620